

NORRIS, McLAUGHLIN & MARCUS

A PROFESSIONAL CORPORATION

875 THIRD AVENUE
18TH FLOOR
New York, NY 10022
(212) 808-0700
Facsimile: (212) 808-0844

FACSIMILE COVER SHEET

May 17, 2006
18

TO: Ms. Terry Dey
United States Patent and Trademark Office

TELEFAX: Fax # 571-273-0100

RE: Application No.: 10/067,190
Reissue

FROM: Kurt G. Briscoe

ATTORNEY DOCKET NO.: 100717-519 / Bayer 6708.2 Reissue

MESSAGE:

Attached herewith please find:

- Amendment After Allowance (2 pages)
- Reissue Declaration (12 pages)

We are transmitting **15** pages, including cover page. If the transmission is not complete, please call (212) 808-0700 and ask for Jennifer Archer at Ext. 8881.

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FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being filed via facsimile to the designated fax number (571) 273-0100 to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on the date indicated below.

Date: May 17, 2006

By Jennifer Archer

Attorney Docket No. 100717-519 / Bayer 6708.2 – Reissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kozo SHIOKAWA et al
SERIAL NO. : 10/067,190
CUSTOMER NO. : 27384
FILED : February 4, 2002
FOR : HETEROCYCLIC COMPOUNDS
ART UNIT : 1624
EXAMINER : Richard L. Raymond

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AFTER ALLOWANCE
SUBMISSION OF REISSUE DECLARATION**

SIR:

Please place of record the attached reissue declaration and enter the following:

REMARKS

The attached reissue declaration incorporates by reference all amendments “through April 12, 2006.” April 12, 2006, was the date of a telephone conference between the undersigned and Mr. Steve Marcus, wherein Mr. Marcus first explained to the undersigned the need for a reissue declaration that took into consideration the

USSN 10/067,190
Amendment After Allowance

Page 1

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amendments made to the issue application subsequent to the date of execution of the previous reissue declaration. Accordingly, April 12, 2006, was selected as the date of mention in the current reissue declaration, and the reissue declaration, thus, takes into consideration all amendments through and including April 12, 2006.

Early reissuance of the patent is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By 

Kurt G. Briscoe, Reg. No. 33,141
Attorney for Applicant(s)
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700

**REISSUE APPLICATION COMBINATION DECLARATION &
POWER OF ATTORNEY**

 ATTORNEY DOCKET No.:
100717- 519 / Bayer 6708.2
Reissue

I/We hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my name,

I/We believe I am/we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 4,849,432, granted July 18, 1989 and for which a reissue patent is sought on the invention entitled HETEROCYCLIC COMPOUNDS

the specification of which

(check one) ☐ is being filed herewith, or

☒ was filed on February 4, 2002 as reissue application serial number 10/067,190 and was amended through April 12, 2006.

I hereby reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

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| Prior Foreign Application(s) | | | Priority Claimed | |
|---|--|--|---|-----------------------------|
| <u>SHO 61-48629</u> (Number) | <u>Japan</u> (Country) | <u>07 March 1986</u> (Day/Month/Yr. Filed) | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| <u> </u> (Number) | <u> </u> (Country) | <u> </u> (Day/Month/Yr. Filed) | <input type="checkbox"/> yes | <input type="checkbox"/> no |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing data of the prior application and the national or PCT international filing date of this application:

| | | |
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| <u> </u> (Application Serial No.) | <u> </u> (Filing Date) | <u> </u> (Status) (patented, pending, abandoned) |
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REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-519

Page 2 of 3

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- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

POWER OF ATTORNEY: As a named inventor, I hereby appoint

Pracioners Associated with the
Customer Number:

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as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

--- authority of agent and the undersigned: ---

DIRECT TELEPHONE CALLS TO:

Kurt G. Briscoe

(212) 808-0700

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-519

Page 3 of 3

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| RESIDENCE 6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

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| RESIDENCE 1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

| | | |
|--|---|-------------------------------|
| FULL NAME OF FOURTH JOINT INVENTOR, IF ANY SHOKO SASAKI | INVENTOR'S SIGNATURE <i>Shoko Sasaki</i> | DATE <i>April 19, 2006</i> |
| RESIDENCE 6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

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| RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Japan | CITIZENSHIP Japanese | |
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the specification of which

(check one) ☐ is being filed herewith, or

☒ was filed on **February 4, 2002**, as reissue application serial number **10/067,190** and was amended through April 12, 2006.

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(Number)

Japan
(Country)

07 March 1986
(Day/Month/Yr. Filed)

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(Status)
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REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-519

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-----▽-----▽-----▽-----▽-----▽-----▽-----▽-----
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Docket No. 100717-519

Page 3 of 3

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| FULL NAME OF SOLE OR FIRST INVENTOR KOZO SHIOKAWA | INVENTOR'S SIGNATURE  | DATE 19 April 2026 |
| RESIDENCE 6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan | CITIZENSHIP Japanese | |
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REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-519

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I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (check all boxes that apply)

- ☐ by reason of a defective specification or drawing.
- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☒ by reason of other errors as described below.

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

Second, the USPTO has determined that patent claims contain multiple independent and distinct inventions, and has required restriction.

The present reissue application corrects these two errors as follows: The patent claims have been limited to imidazolidine compounds by amending original patent claims 1 and 2 to cancel values for X other than N-R², canceling original patent claim 6, and canceling from original patent claim 9 all non-imidazolidine compound species.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

POWER OF ATTORNEY: As a named inventor, I hereby appoint

Practioners Associated with the
Customer Number:

27384

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

-----▽-----▽-----▽-----▽-----▽-----▽-----▽-----
DIRECT TELEPHONE CALLS TO:

Kurt G. Briscoe

(212) 808-0700

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|---|-------------------------|------|
| FULL NAME OF SOLE OR FIRST INVENTOR KOZO SHIOKAWA | INVENTOR'S SIGNATURE | DATE |
| RESIDENCE 6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

| | | |
|--|--|----------------------|
| FULL NAME OF SECOND JOINT INVENTOR, IF ANY SHINICHI TSUBOI | INVENTOR'S SIGNATURE <i>Shinichi Tsuboi</i> | DATE 20 April '06 |
| RESIDENCE 1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

| | | |
|---|-------------------------|------|
| FULL NAME OF THIRD JOINT INVENTOR, IF ANY SHINZO KAGABU | INVENTOR'S SIGNATURE | DATE |
| RESIDENCE 1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

| | | |
|--|-------------------------|------|
| FULL NAME OF FOURTH JOINT INVENTOR, IF ANY SHOKO SASAKI | INVENTOR'S SIGNATURE | DATE |
| RESIDENCE 6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

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|--|--|-----------------------|
| FULL NAME OF FIFTH JOINT INVENTOR, IF ANY KOICHI MORIYA | INVENTOR'S SIGNATURE <i>Koichi Moriya</i> | DATE 18 April 2006 |
| RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

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|---|--|----------------|
| FULL NAME OF SIXTH JOINT INVENTOR, IF ANY YUMI HATORI | INVENTOR'S SIGNATURE <i>Yumi Hatori</i> | DATE 170406 |
| RESIDENCE 12397-4, Yuki, Yuki-shi, Ibaraki, 307-0001, Japan | CITIZENSHIP Japanese | |
| POST OFFICE ADDRESS Same as above | | |

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|---|----------------------|------|
| FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY | INVENTOR'S SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |

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| FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY | INVENTOR'S SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |